

02-19-02

CPA/1632

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PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCEUnder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL***Submit an original, and a duplicate for fee processing.*

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

 **CHECK BOX, if applicable:  
DUPLICATE**

ADDRESS TO:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No. Of Prior Application	CELL-014
First Named Inventor	YU, DE-CHAO
Examiner Name	WOITACH, JOSEPH T.
Group Art Unit	1632
Express Mail Label No.	EL 923 483 283 US

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/392,822 filed on September 9, 1999, entitled:  
**ADENOVIRUS VECTORS CONTAINING CELL STATUS-SPECIFIC RESPONSE ELEMENTS AND METHODS OF  
USE THEREOF**

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), 1233 Off. Gaz. Pat. Office (April 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of the CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1.  Enter the unentered amendment previously filed on December 14, 2001 under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take .4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

02/21/2002 GTEFFERA 00000068 500815 09392822  
01 FC:231 370.00 CH

02/21/2002 GTEFFERA 00000069 09392822  
01 FC:216 200.00 CH

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(b) or (j))	12-20* =		X \$ =	\$ .00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3-3** =		=	.00
	MULTIPLE DEPENDENT CLAIMS (IF APPLICABLE) (37 CFR 1.16)			=	
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	740.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				370.00
	<small>* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.</small>				
	TOTAL =				

6.  Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0815.

- Fees required under 37 CFR 1.16.
- Fees required under 37 CFR 1.17.
- Fees required under 37 CFR 1.18.

8.  A check in the amount of \$ \_\_\_\_\_ is enclosed.

9.  Payment by credit card. Form PTO-2038 is attached.

10.  Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11.  New Attorney Docket Number, if desired  
[Prior application Attorney Docket Number will carry over to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a.  Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b.  Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

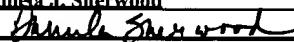
13.  Other: **Fee Transmittal in Duplicate.**

**NOTE:** *The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.*

## 14. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	 <small>(Insert Customer No. or Attach barcode label here)</small>	<input type="checkbox"/> Correspondence address below			
Name	PAMELA J. SHERWOOD, Reg. No. 36,677 PATENT & TRADEMARK OFFICE BOZICEVIC, FIELD & FRANCIS LLP				
Address	200 Middlefield Road, Suite 200				
City	Menlo Park	State	California	Zip Code	94025
Country	U.S.A	Telephone	(650) 327-3400	Fax	(650) 327-3231

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name	Pamela J. Sherwood
Signature	

Registration No. (Attorney/Agent)	36,677
Date	February 14, 2002

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 570.00)

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit overpayments to:  
Deposit Account Number 50-0815  
Deposit Account Name Bozicevic, Field & Francis LLP  
 Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
 Applicant Claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed: Check  Credit Card  Money Order  Other

## FEE CALCULATION

## 2. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					370.00

## 1. EXTRA CLAIM FEES

Total Claims	12-20**	=	Extra Claims	Fee from below	Fee Paid
Indep. Claims	3-3**	=	x	=	
Multiple Dependent		=			

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) \$ .00</b>				

\*\*or number previously paid, if greater; For Reissues, see above.

Complete if Known								
Application Number					09/392,822			
Filing Date					September 9, 1999			
First Named Inventor					YU, DE-CHAO			
Examiner Name					WOITACH, JOSEPH T.			
Group Art Unit					1632			
Attorney Docket No.					CELL-014			
FEE CALCULATION (continued)								
3. ADDITIONAL FEES								
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description					
105	130	205	Surcharge – late filing fee or oath					
127	50	227	Surcharge – late provisional filing fee or cover sheet					
139	130	139	Non-English specification					
147	2,520	147	For filing a request for ex parte reexamination					
112	920*	112	Requesting publication of SIR prior to Examination action					
113	1,840*	113	Requesting publication of SIR after Examiner action					
115	110	215	Extension for reply within first month					
116	400	216	Extension for reply within second month					
117	920	217	Extension for reply within third month					
118	1,440	218	Extension for reply within fourth month					
128	1,960	228	Extension for reply within fifth month					
119	320	219	Notice of Appeal					
120	320	220	Filing a brief in support of an appeal					
121	280	221	Request for oral hearing					
138	1,510	138	1,510 Petition to institute a public use proceeding					
140	110	240	Petition to revive – unavoidable					
141	1,280	241	Petition to revive – unintentional					
142	1,280	242	Utility issue fee (or reissue)					
143	460	243	Design issue fee					
144	620	244	Plant issue fee					
122	130	122	Petitions to the Commissioner					
123	50	123	Processing fee under 37 CFR 1.17(q)					
126	180	126	Submission of Information Disclosure Stmt					
581	40	581	Recording each patent assignment per property (times number of properties)					
146	740	246	For each additional invention to be examined (37 CFR § 1.129(a))					
149	740	249	For each additional invention to be examined (37 CFR § 1.129(b))					
179	740	279	Request for Continued Examination (RCE)					
169	900	169	Request for expedited examination of a design application					
Other fee (specify) _____								
*Reduced by Basic Filing Fee Paid								
<b>SUBTOTAL (3) (\$ 200.00)</b>								

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Pamela J. Sherwood	Registration No. (Attorney/Agent)	36,677	Telephone	(650) 327-3400
Signature				Date	02/14/2002

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